

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

CURD MINERALS, LLC,
A Virginia limited
liability company,

Plaintiff,

v.

CIVIL ACTION NO. 1:22-00113

DIVERSIFIED PRODUCTION, LLC,
A Pennsylvania limited liability
company,

Defendant.

MEMORANDUM OPINION AND ORDER

This matter is scheduled for a jury trial to begin on May 9, 2023. Pending before the court is defendant's motion to strike plaintiff's jury demand on its quiet title and injunction claims. See ECF No. 51. Plaintiff agrees this its quiet title claim should be tried before the court rather than a jury. See ECF No. 55. Defendant's motion to strike plaintiff's jury demand is **GRANTED**. For this reason and for other reasons discussed at the pretrial conference held on April 17, 2023, the final settlement conference and jury trial scheduled for May 8, 2023, and May 9, 2023, respectively, are **CANCELLED**. A bench trial on any and all equitable claims is hereby **SCHEDULED** for August 1, 2023, at 9:30 a.m., in Bluefield.* A final settlement conference is **SCHEDULED** for July 31, 2023, at 11:00 a.m., in Bluefield.

*The parties should inform the court if they believe defendant is entitled to a jury trial on its adverse possession counterclaim.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to counsel of record and unrepresented parties.

IT IS SO ORDERED this 2nd day of May, 2023.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge